

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

VS.

FINANCIAL ROBOTICS, INC., a Texas
Corporation, and MARK E. RICE.,

Defendant.

§ CIVIL ACTION NO. H-11-2446

ORDER

Mark E. Rice has moved to modify the SRO to allow him to use earned income to pay living expenses. (Docket Entry No. 113). The CFTC and the Receiver has responded. (Docket Entry Nos. 118, 119). The court heard arguments from counsel on the motion. The issue continues to be Rice's refusal to provide significant information that the CFTC and Receiver believe he has and should provide as a condition to the relief he seeks. Rice asserts that he does not have some of the information but refuses, sometimes without explanation, to provide other information about sources of his income that he clearly does have. Based on the motion and responses, the record, the arguments of counsel, and the applicable law, the court orders that the SRO, (Docket Entry No. 6), should be modified to allow Rice to use income earned for certain living expenses, with the following conditions and limits:

1. Rice must first identify for the CFTC and the Receiver the source of any earned income before he may use it to pay any of his living expenses. The income must not be derived from any of the Defendants or Relief Defendants or from the conduct made the basis of the Complaint. The earned income must be deposited into a bank account chosen by Rice and the

Receiver, for which Rice is the signatory and to which the Receiver has access (the "Earned Income Account").

2. The SRO will not extend to the Earned Income deposited in the Earned Income Account and used pursuant to this Order.

3. The Earned Income may only be used to pay Rice's family's reasonable and necessary expenses limited to the following categories: (a) mortgage, taxes, and insurance on Rice's home; (b) telephone; (c) groceries for Rice and his family; (d) utilities for Rice's home (electricity, gas, water); (e) automobile insurance and gasoline; (f) Rice's children's school tuition; and (g) internet;

4. The foregoing expenses paid by Rice from the Earned Income Account may not exceed \$8,574.90 per month. These expenses may be paid by checks drawn on the Earned Income Account. Rice is prohibited from making any cash withdrawals from the Earned Income Account.

5. Rice may not deposit money in the Earned Income Account that is not derived from Earned Income and the amount and source disclosed to the CFTC and Receiver. Rice may not use Earned Income in excess of the monthly limit or to pay any expense that is not reasonably within any of the categories identified in this Order.

SIGNED on November 6, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge